

<div>94</div> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div> <div> <p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION</p> <p>ERNEST G. COOK, Plaintiff,</p> <p>-vs- JUDGE BENITA PEARSON CASE NO. 4:22-CV-00077-BYP VOLUME II</p> <p>BOARD OF TRUMBULL COUNTY COMMISSIONERS, Defendant.</p> <p>- - - -</p> <p>Continued video conference Zoom Deposition of MICHELE NICOLE FRENCHKO, taken as if upon cross-examination before Kelli Rae Page, a Notary Public within and for the State of Ohio, at 1:08 p.m. on Friday, May 5, 2023, pursuant to notice and/or stipulations of counsel, on behalf of the Plaintiff in this cause.</p> <p>- - - -</p> <p>PAGE REPORTING SERVICE 1249 HATHAWAY AVENUE, FLOOR 2 LAKEWOOD, OH 44107 216.316.3258 kellipage@pagereportingservice.comB</p> <p>MICHELE NICOLE FRENCHKO</p> </div>	<div>96</div> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div> <div> <p>WITNESS INDEX</p> <p>EXAMINATION PAGE</p> <p>RECROSS-EXAMINATION BY MS. GROEDEL 97</p> <p>EXHIBIT INDEX</p> <p>EXHIBIT NUMBER PAGE</p> <p>(No Exhibits were marked.)</p> <p>MICHELE NICOLE FRENCHKO</p> </div>
<div>95</div> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div> <div> <p>APPEARANCES:</p> <p>(All participants were in attendance via remote connection through individual Zoom video conferencing as follows:)</p> <p>Caryn M. Groedel, Esq. Caryn Groedel &amp; Associates Co., LPA 208 Spriggle Drive Munroe Falls, Ohio 44262 1291 SW Mulberry Way Boca Raton, Florida 33486 440.230.3803 cgroedel@groedel-law.com</p> <p>On behalf of the Plaintiff;</p> <p>Kathleen M. Minahan, Esq. Meyers, Roman, Friedberg &amp; Lewis 28601 Chagrin Boulevard, Suite 600 Cleveland, Ohio 44122 216.831.0042 x223 kminahan@meyersroman.com</p> <p>On behalf of the Defendant.</p> <p>ALSO PRESENT:</p> <p>Ernest Cook</p> <p>MICHELE NICOLE FRENCHKO</p> </div>	<div>97</div> <div> <div>01:08</div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div> <div> <p>MICHELE NICOLE FRENCHKO, of lawful age, called by the Plaintiff for the purpose of continued cross-examination, as provided by the Rules of Civil Procedure, being by me previously duly sworn, as hereinafter certified, deposed and said as follows:</p> <p>RECROSS-EXAMINATION OF MICHELE NICOLE FRENCHKO BY MS. GROEDEL:</p> <p>Q. Ms. Frenchko, do you -- is it your contention that Mr. Parks was not terminated for his crime, or for the plea he took for the crime, due to his union contract?</p> <p>MS. MINAHAN: Objection.</p> <p>Go ahead.</p> <p>A. No.</p> <p>Q. So, just to be clear, his union contract did not preclude the possibility of him being terminated for what he did and what he pled to; correct?</p> <p>MS. MINAHAN: Objection.</p> <p>Go ahead.</p> <p>A. It was not just the union contract, it was the violation of the Ohio Revised Code and the missteps taken by the board of commissioners, and the fact that we were going to arbitration, knowing that we --</p> <p>MICHELE NICOLE FRENCHKO</p> </div>

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01:09 1 Q. What part of the --

2 A. **I'm sorry. I want to complete that -- knowing that**

3 **the board had taken missteps and that we were going**

4 **to lose arbitration.**

5 Q. What provision of the Ohio Revised Code are you

6 contending precluded, or at least in part,

7 precluded him from being terminated?

8 MS. MINAHAN: Objection.

9 Go ahead.

10 A. **I believe we answered these once before. I don't**

11 **even think -- I don't know that I can answer that.**

12 **I don't think that's what I said.**

13 Q. Is it your contention that the fact that he was

14 first placed on unpaid leave and then placed on

15 paid leave somehow precluded him from being

16 terminated because the leave part was done

17 incorrectly?

18 A. **Well, that, and other factors. That and the**

19 **collective bargaining agreement, because he was**

20 **union. That and the fact that they didn't take the**

21 **proper -- the proper steps, and when you're dealing**

22 **with union employees you have to follow everything**

23 **precisely.**

24 Q. I understand, but I'm just asking specifically

25 right now about the fact that first he was placed

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01:11 1 on leave without pay and then with pay. Taking

2 that -- just that component how the leave was

3 handled, is it your contention that that precluded

4 -- that in and of itself precluded him from being

5 terminated?

6 A. **No.**

7 MS. MINAHAN: Okay. And,

8 Commissioner, if you don't mind, just give me a

9 second before you answer.

10 THE WITNESS: I'm sorry.

11 MS. MINAHAN: I did want to object to

12 that question, and I think that the word

13 "preclude" is problematic.

14 MS. GROEDEL: Okay. I'll rephrase it.

15 Fair enough.

16 Q. Do you believe that the way that his leave was

17 handled affected the board's ability to terminate

18 him if it so chose to do so?

19 A. **Not necessarily.**

20 Q. Not necessarily? What do you mean by that?

21 A. **Well, the board could have still chosen to**

22 **terminate him if they wanted to, but it would have**

23 **been in violation of the collective bargaining**

24 **agreement more than anything.**

25 Q. In what way?

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01:13 1 A. **That was already explained again. I'll try to**

2 **explain it more clearly.**

3 **The bargaining agreement requires that someone**

4 **have a letter citing what they've done when they're**

5 **put on leave, and that they have a disciplinary**

6 **conference. At the disciplinary conference -- when**

7 **they sent that letter out, they sent the letter out**

8 **without the appointing authority, and regardless of**

9 **that, the board has to initiate any discipline of**

10 **monetary value, such as time off or unpaid leave,**

11 **or even if it's just one day off, it has to be done**

12 **within 15 days of receipt of that letter, to my**

13 **understanding.**

14 **Without having it in front of me, I think it's**

15 **approximately two weeks or 15 days that they have**

16 **to actually execute the final discipline for the**

17 **infraction after that letter has been served upon**

18 **the person. So you can't go ahead and rediscipline**

19 **someone, or fire them, after that period of time**

20 **has elapsed.**

21 Q. I see.

22 A. **Yeah.**

23 Q. When you say they sent the letter out without the

24 appointing authority, who are you referring to?

25 A. **I'm referring -- it's only actually one person.**

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01:14 1 **When I say "they" I'm thinking the director of the**

2 **dog kennel in conjunction with the county's legal**

3 **counsel. So those two were working together**

4 **without including the board, which should have been**

5 **involved in that process.**

6 Q. When you say sent the letter out without the

7 appointing authority, you're talking about the

8 letter placing him on leave?

9 A. **Yes.**

10 Q. Okay. Okay, 13. Item 13 is more information about

11 the dog warden incident. When did the board learn

12 about the incident?

13 A. **7/29/22.**

14 Q. And how do you know that?

15 A. **Because I reviewed the file in preparation for this**

16 **deposition.**

17 Q. When did you review the file?

18 A. **I believe it was the Friday before the Monday that**

19 **the depositions were originally scheduled, so I**

20 **don't have the date.**

21 Q. And what did the file contain?

22 A. **I -- that question wasn't on my list, so I don't**

23 **want to answer and not give -- I wasn't prepared to**

24 **answer that, I'm sorry.**

25 Q. But this deposition is for each subject, what the

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<p>102</p> <p>01:17 1 rules say is that I'm entitled to ask how you got 2 the information, when you got the information, from 3 where you got the information, what you did to find 4 the information. 5 <b>A. I'm sorry, I didn't know that, so I didn't write 6 down everything that I looked at in the file, or 7 grabbed the file. If I would have known that, I 8 would have taken the file and flipped through it. 9 I mean, you could have asked for the documents 10 and then I would have been able to read it -- I'm 11 sorry, I just went through everything that was in 12 the file.</b> 13 <b>Q.</b> What, in particular, did you look at that told you 14 that the date was July 29th, 2022? 15 <b>A. The paperwork from the dog warden, the director, 16 and that included -- I think that's all 17 encompassing, which would be reports and letters 18 that were sent, and other things that I don't 19 recall.</b> 20 <b>Q.</b> You don't recall what reports you are referring to? 21 <b>A. No. She documented every -- all of the documents 22 that were in there from the dog -- his boss, his 23 director.</b> 24 <b>Because he was a lower level employee, like in 25 the union, and she is the director, so she had</b> MICHELE NICOLE FRENCHKO </p>	<p>104</p> <p>01:20 1 accurate? 2 <b>A. That's accurate. It might have been sent to the 3 commissioners, but I don't remember -- you are 4 asking me personally if I received it? I'm sorry, 5 I'm confused.</b> 6 <b>Q.</b> You said, "I believe it was something from the 7 director telling the board about the incident." 8 And I am saying, well, then you must have 9 received, in advance, a letter telling the board 10 about the incident; right? 11 <b>A. I can't remember.</b> 12 <b>Q.</b> What was it that you saw in the file -- what -- I'm 13 sorry. 14 So you believe it was something from the 15 director telling the board about the incident. Was 16 it about the incident itself? Was it about 17 charges? Was it about his response to what 18 happened? What was the item that the board learned 19 about on July 29th, 2022? 20 <b>A. Ma'am, you just asked me four questions. Can you, 21 please, just ask me one --</b> 22 <b>Q.</b> I gave examples. 23 <b>A. No, those were questions, respectfully.</b> 24 <b>Q.</b> Did the letter that you believe the director wrote 25 telling the board about the incident, did it MICHELE NICOLE FRENCHKO </p>
<p>103</p> <p>01:18 1 <b>everything that she thought she needed to document 2 the need for discipline.</b> 3 <b>Q.</b> I'm asking what was it? Was it a police report? 4 Was it a note of her conversation with him? 5 <b>A. Okay. Can you ask that --</b> 6 <b>Q.</b> You need to let me finish asking my question. 7 My question is you said you learned of the 8 incident by looking at the file, all the paperwork 9 from the dog warden. What document reflected the 10 date of July 29th, 2022? And then I gave some 11 examples: A letter, notes from a conversation, a 12 police report, what was it? 13 <b>A. I believe it was something from the director 14 telling -- telling the board what she -- what had 15 happened or what she had noticed in the course of 16 her work relative to this employee.</b> 17 <b>Q.</b> Well, then wouldn't you have received that 18 communication if it was something she wrote to the 19 board -- 20 <b>A. Correspondence, yeah.</b> 21 <b>Q.</b> Can you let me finish asking my question, please, 22 before you begin answering. 23 So you learned of it from -- from -- of the 24 date from reviewing the file and not from you what 25 you personally received as a commissioner, is that MICHELE NICOLE FRENCHKO </p>	<p>105</p> <p>01:22 1 describe the incident, did it describe the charges? 2 What, in particular, did it describe? 3 <b>A. I can't remember. I'm sorry.</b> 4 <b>Would you like to take a break so that I can 5 ask my HR director to e-mail those pages from the 6 file? I honestly don't know what to tell you, what 7 you're looking for, but it's been a while.</b> 8 MS. MINAHAN: If I can interpret real 9 quick. And I don't know that you can answer 10 this question, but I think she's asking what 11 the content is of what you looked at that told 12 you when the board learned about the incident 13 on 7/29/22. So she's asking what was the 14 content, I think. 15 Caryn, correct me if I'm wrong. 16 MS. GROEDEL: Yes. Thank you. 17 <b>Q.</b> Ms. Frenchko, what was the content? 18 <b>A. Okay. His file contained correspondence to the 19 board, correspondence with legal counsel, and other 20 personnel history items. And that's nonexhaustive, 21 because I was specifically looking through the file 22 just to be able to answer the specific questions 23 that were on here.</b> 24 <b>I apologize if I didn't understand the 25 assignment and I needed to take note of everything</b> MICHELE NICOLE FRENCHKO </p>

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01:24 1 **I was looking through, but my assignment, I**  
2 **believe, was to ascertain those dates here, so I**  
3 **looked specifically for answers to those. I'm**  
4 **sorry if I can't remember where I obtained them, on**  
5 **which documents.**  
6 Q. That's the question about the documents from which  
7 you obtained them. If you don't know, that's fine,  
8 just say you don't know.  
9 When did the board learn about the charges?  
10 A. **8/31/22.**  
11 Q. How so?  
12 MS. MINAHAN: Did you say how?  
13 MS. GROEDEL: Yes.  
14 MS. MINAHAN: Okay. I'm sorry.  
15 MS. GROEDEL: That's okay.  
16 A. **From the director of that department.**  
17 Q. Was it a phone call, a letter?  
18 A. **It was something in a file that had the date. I**  
19 **looked at letters and e-mails, so it was**  
20 **correspondence from the director to the board.**  
21 Q. Was it a different letter than the first one you  
22 said you believed you read to tell the board about  
23 the incident?  
24 A. **Yes.**  
25 Q. What, if anything, did the board do when it learned  
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01:26 1 of the incident on July 29th of 2022?  
2 A. **I wasn't prepared to answer that. I could -- so I**  
3 **don't remember the dates, but I do recall that when**  
4 **the board was aware of the incident then the board**  
5 **had an executive session at some point within the**  
6 **next few weeks -- or I don't want to say dates**  
7 **because I'm not sure, I didn't look at the dates,**  
8 **but the board had an executive session to discuss**  
9 **the matter.**  
10 Q. And the new position that the assistant or  
11 associate dog warden was moved into is what?  
12 A. **What did the --**  
13 Q. What's the name of his new position?  
14 A. **That wasn't on here.**  
15 Q. Yes, it is.  
16 A. **Is it? It says when they learned about the -- when**  
17 **they learned about the plea conviction, why the**  
18 **decision was made to keep him as an employee, and**  
19 **what his -- what his dog warden and new salaries**  
20 **are.**  
21 Q. Okay. So you know the new salary, but you don't  
22 know the name of the position?  
23 A. **Not specifically.**  
24 Q. So what was his old salary and what's his new  
25 salary?  
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01:28 1 A. **19.6135 per hour.**  
2 Q. Same salary before and after?  
3 A. **Yes.**  
4 **And I want to correct that question, I'm**  
5 **sorry. It's not a salary, he's an hourly -- a**  
6 **labor union employee. He's not -- only the**  
7 **directors are -- fiduciary ones get a salary.**  
8 Q. Got it.  
9 A. **Okay.**  
10 Q. So his hourly rate remained the same?  
11 A. **Yes.**  
12 Q. Okay. And the last number we're going to be  
13 talking about is 15, Paula Godfrey's date of birth  
14 and date of and reason for her separation.  
15 A. **6/10/50 is her date of birth. Her date of**  
16 **separation is 6/18/21. And the reason for**  
17 **separation is retirement.**  
18 MS. MINAHAN: And it's Paulette, just  
19 so you know.  
20 MS. GROEDEL: Yeah, Paulette. It says  
21 that. Paulette, if I said something different.  
22 Okay. I might be done. I'm just going to  
23 confer with my client. I'll be right back.  
24 MS. MINAHAN: Like five minutes, do  
25 you think, Caryn?  
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01:30 1 MS. GROEDEL: Yeah, that's fine.  
2 MS. MINAHAN: Okay.  
3 - - - - -  
4 (Whereupon, a recess was had.)  
5 - - - - -  
6 Q. I just have a few, a couple of yes, no, or I don't  
7 know questions to ask you, Ms. Frenchko.  
8 A. **Okay.**  
9 Q. Did the board have the full right to terminate  
10 Mr. Parks due to his plea that he took for the  
11 crime he -- crime or crimes he committed?  
12 MS. MINAHAN: Objection.  
13 Go ahead.  
14 A. **What was the question again?**  
15 Q. Did the board have the full right to terminate him?  
16 MS. MINAHAN: Objection.  
17 Go ahead.  
18 A. **When?**  
19 Q. When the vote was made to not terminate him?  
20 A. **There was no -- there was --**  
21 MS. MINAHAN: Objection. Yeah.  
22 Objection.  
23 A. **I can't answer that.**  
24 Q. Did or did not Mr. Cantalamessa vote to terminate  
25 him?  
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01:38 1 **A. I can't answer that. It's not --**  
2 **Q.** Wasn't a vote taken? I'm not talking about  
3 anything that happened in executive session.  
4 Wasn't there a vote concerning his -- Mr. Parks's  
5 employment?  
6 MS. MINAHAN: Okay. Hang on.  
7 Objection.  
8 Caryn, are you asking if a vote was taken  
9 to terminate him?  
10 MS. GROEDEL: Yes.  
11 MS. MINAHAN: Go ahead and answer.  
12 **A. No.**  
13 **Q.** Then how -- was there a vote taken -- strike that.  
14 Did the board take a vote with respect to  
15 taking him out of the dog kennel department and  
16 placing him in another position?  
17 **A. No.**  
18 **Q.** Well, how did the board decide -- make that  
19 decision?  
20 **A. There was a agreement, a settlement agreement with**  
21 **AFSCME -- I answered this before.**  
22 MS. MINAHAN: That's okay. Go ahead.  
23 **A. So what are you asking me?**  
24 **Q.** Nothing. I got what I need. Thank you.  
25 I have nothing further.  
  
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01:40 1 **A. Okay.**  
2 MS. MINAHAN: Okay. Commissioner, you  
3 have the right -- I have ordered the  
4 transcript, so you have the right to read it  
5 when it's typed up.  
6 Do you want to preserve that right to read  
7 it?  
8 THE WITNESS: Yes.  
9 MS. MINAHAN: Okay. So she will read.  
10 - - - - -  
11 (Whereupon, the deposition was concluded at  
12 1:40 p.m.)  
13 - - - - -  
14 (Signature not waived.)  
15 - - - - -  
16  
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CERTIFICATE

1  
2  
3 The State of Ohio, )  
4 ) SS:  
County of Cuyahoga.)  
5  
6 I, Kelli Rae Page, a Notary Public within and for  
7 the State of Ohio, and authorized to administer oaths  
8 and to take and certify depositions, do hereby certify  
9 that the above-named witness, MICHELE NICOLE FRENCHKO,  
10 was by me, before the giving of her deposition, first  
11 duly sworn to testify the truth, the whole truth, and  
12 nothing but the truth; that the deposition as above-set  
13 forth was reduced to writing by me by means of  
14 stenotypy, and was later transcribed into typewriting  
15 under my direction; that this is a true record of the  
16 testimony given by the witness, and was subscribed by  
17 said witness remotely by agreement of the parties; that  
18 said deposition was taken at the aforementioned time,  
19 date and place and was completed without adjournment,  
20 pursuant to notice or stipulations of counsel; that I am  
21 not a relative or employee or attorney of any of the  
22 parties, or a relative or employee of such attorney or  
23 financially interested in this action. I am not, nor is  
24 the court reporting firm with which I am affiliated,  
25 under a contract as defined in Civil Rule 28 (D).  
  
IN WITNESS WHEREOF, I have hereunto set my hand  
and seal of office, at Cleveland, Ohio, this 9th day of  
May, A.D. 2023.  
  
**Kelli Rae Page**  
\_\_\_\_\_  
Kelli Rae Page, Notary Public, State of Ohio  
My commission expires October 30, 2025.  
MICHELE NICOLE FRENCHKO

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DEPOSITION ERRATA SHEET

1  
2 RE: UNITED STATES DISTRICT COURT.  
NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
CASE NO. 4:22-CV-00077-BYP, JUDGE BENITA PEARSON  
4  
Deponent: MICHELE NICOLE FRENCHKO  
5 Deposition Date: May 5, 2023  
6 To the Reporter:  
7 I have read the entire transcript of my Deposition taken  
8 in the above-captioned matter or the same has been read  
9 to me. I request that the following changes be entered  
upon the record for the reasons indicated. I have  
signed my name to the Errata Sheet and authorize you to  
attach said Errata Sheet to the original transcript.  
10 page line correction  
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23 \_\_\_\_\_NO CHANGES  
24  
25 \_\_\_\_\_  
Michele Nicole Frenchko Date \_\_\_\_\_  
MICHELE NICOLE FRENCHKO

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